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09/660,563	09/12/2000	Gregory L. Slaughter	5181-64900	6903
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MHKKG/Oracle (Sun)			EXAMINER	
P.O. BOX 398			CHANKONG, DOHM	
AUSTIN, TX 78767				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 09/660,563	<b>Applicant(s)</b> SLAUGHTER ET AL.	
	<b>Examiner</b> DOHM CHANKONG	<b>Art Unit</b> 2452	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2011.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3, 6-13, 16-23 and 26-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-13, 16-23, and 26-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

Art Unit: 2452

### **DETAILED ACTION**

This non-final rejection is in response to Applicant's request for continued examination filed on 1/12/2011. Applicant amends claims 1, 11, and 21 and previously cancelled claims 4, 5, 14, 15, 24, and 25. Accordingly, Applicant presents claims 1-3, 6-13, 16-23, and 26-30 for further examination.

#### **I. CONTINUED EXAMINATION UNDER 37 CFR 1.114**

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/12/2011 has been entered.

#### **II. RESPONSE TO ARGUMENTS**

Applicant's arguments with respect to claims 1-3, 6-13, 16-23, and 26-30 have been considered but are moot in view of the new ground(s) of rejection.

### **III. DOUBLE PATENTING**

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Art Unit: 2452

**A. Claims 1, 11, and 21 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 2, 4, and 10 of U.S. Patent No. 6643650 [“‘650 patent”].**

Although the conflicting claims are not identical, they are not patentably distinct from each other because the differences between the claims are not novel.

Instant application 09/660563	‘650 Patent
<p><b>Claim 1.</b> A method, comprising: a client, implemented by a computer on a network, sending a lookup message to a space, wherein the lookup message specifies desired characteristics of documents stored within the space;</p> <p>the client receiving a lookup response indicating identifiers of discovered documents within the space that, in addition to being stored in the space, match the desired characteristics;</p> <p>the client obtaining a service advertisement from the space, where the service advertisement is a document expressed in a markup language and listed in the discovered documents,</p> <p>wherein the space comprises a network-accessible repository which stores a plurality of service advertisements expressed in the markup language, wherein each of the plurality of service advertisements comprises a Uniform Resource Identifier (URI) and a markup language schema for a respective service, wherein the URI specifies a network address at which the respective service may be accessed, and wherein the markup language schema defines a message interface for accessing the respective service; and</p>	<p><b>Claim 1.</b> A method, comprising: a client sending a lookup message to a network-addressable location of a space... ... and wherein the lookup message specifies desired advertisement characteristics</p> <p><b>Claim 1.</b> ...and the space sending a lookup response message to the client, wherein the lookup response message comprises the set of discovered advertisements.</p> <p><b>Claim 1</b>... finding a set of discovered advertisements, wherein the discovered advertisements comprise zero or more of the stored advertisements which meet the desired characteristics</p> <p>wherein the space is operable to store one or more advertisements expressed in a data representation language, wherein each advertisement comprises information which is usable by the client to access a particular content or service over a network...</p> <p><b>Claim 2.</b> ...wherein each advertisement comprises a Uniform Resource Identifier (URI) at which the respective content or service is accessible...</p> <p><b>Claim 4.</b> ...wherein the advertisement for the service comprises a schema, wherein the</p>

Art Unit: 2452

the client accessing the service according to the service advertisement, wherein said accessing the service comprises the client sending a first markup language message to the service at the URI specified in the service advertisement, wherein the first message is specified in the markup language schema.	schema specifies one or more messages usable to invoke one or more functions of the service <b>Claim 10.</b> ...wherein the data representation language comprises extensible markup language (XML).
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The primary difference between claim 1 of the instant application and claims 1, 2, and 4 of the '650 patent relate to the limitation of a client accessing the service comprising sending a first markup language message to the service at the URI found in the last limitation of claim 1 of the instant application. While claims of the '650 patent does not expressly disclose this feature, claim 1 recites that the advertisement comprises information which is usable by the client to access a particular service, claim 4 recites that the advertisement comprises a schema which specifies messages usable to invoke one or more functions of the service, and claim 10 recites a markup language.

These features in claims 1, 4, and 10 clearly suggest the limitation of accessing a service by sending a first markup language to the service at the URI specified in the service advertisement. Therefore claim 1 of the instant application is not patentably distinct from claims 1, 2, 4, and 10 of the '650 patent. Independent claims 11 and 21 of the instant application are rejected for at least the same reasons.

**B. Claims 2, 3, 6-9, 12, 13, 16-19, 22, 23, and 26-29 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-11 of the '650 patent.**

Instant application 09/660563	'650 Patent
<b>Claim 2.</b> the service sending a second markup language message to the client in response to the service receiving the first markup language message, wherein the second markup language message is specified in the markup language	<b>Claim 1.</b> the space sending a lookup response message to the client, wherein the lookup response message comprises the set of discovered advertisements... <b>Claim 11.</b> wherein...the lookup response

Art Unit: 2452

schema.	message are expressed in the data representation language
<b>Claim 3.</b> invoking one or more functions of the service in response to the first markup language message	<b>Claim 4.</b> the schema specifies one or more messages usable to invoke one or more functions of the service
<b>Claim 6.</b> the markup language comprises eXtensible Markup Language (XML).	<b>Claim 10.</b> the data representation language comprises eXtensible Markup Language (XML).
<b>Claim 7.</b> wherein the URI comprises an Internet address	<b>Claim 2.</b> each advertisement comprises a Uniform Resource Identifier (URI) at which the respective content or service is accessible
<b>Claim 8.</b> the service publishing the service advertisement in the space	<b>Claim 1.</b> the space is operable to store one or more advertisements
<b>Claim 9.</b> the client accessing a lookup service to find the service advertisement in the space	<b>Claim 5.</b> the lookup message comprises a desired name, wherein each of the discovered advertisements comprises a name that matches the desired name, and wherein each name identifies the respective discovered advertisement within space

As illustrated in the foregoing table, claims 2, 3, and 6-9 recite identical subject matter to claims 1, 2, 4, 10, and 11 from claims '650. Claims 2, 3, and 6-9 are therefore not patentably distinct from those claims. Claims 12, 13, 16-19, 22, 23, and 26-29 are rejected for at least the same reasons set forth for claims 2, 3, and 6-9.

Art Unit: 2452

#### **IV. CLAIM REJECTIONS - 35 U.S.C. § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**A. Claims 1-3, 6-13, 16-23, and 26-30 are rejected under 35 U.S.C. § 102(e) as being anticipated by Humpleman et al., U.S. Patent No. 6.546.419 [“Humpleman”].**

##### **Claims 1, 11, and 21**

As to claim 1, Humpleman discloses a method, comprising:

a client, implemented by a computer on a network [column 17 «lines 57-59»:

Humpleman's device A reads on the claimed client], sending a lookup message to a space

[column 16 «lines 48-50» | column 17 «lines 64-67»]: disclosing that device A submits a request

for device B's interface from a searchable interface library. Humpleman's interface library reads

on the claimed space], wherein the lookup message specifies desired characteristics of

documents stored within the space [column 23 «lines 49-51»]: disclosing that a user may search

for a service by name/address | column 23 «lines 57-59»]: disclosing searching for services by media type];

the client receiving a lookup response indicating identifiers of discovered documents within the space that, in addition to being stored in the space, match the desired characteristics

[column 15 «lines 2-8» | column 23 «lines 32-34»]: returning the web address or URL location of one or more devices];



Art Unit: 2452

the client, obtaining a service advertisement from a space [column 18 «lines 1-2»:  
returning a device interface | column 20 «line 65» to column 21 «line 8»:  
returning XML  
interfaces for specified function categories], where the service advertisement is expressed in a  
markup language [column 20 «line 65» to column 21 «line 8»:  
disclosing that the definition is  
expressed in XML], wherein the space comprises a network-accessible repository which stores a  
plurality of service advertisements expressed in the markup language [column 16 «lines 46-50» |  
column 20 «lines 31-34»:  
the interface library is a network-accessible repository which stores the  
XML interfaces for the devices and function categories], wherein each of the plurality of service  
advertisements comprises a Uniform Resource Identifier (URI) [column 15 «lines 6-8»:  
disclosing a URI for interfaces for controlling actions and responses] and a markup language  
schema for a respective service [column 18 «line 40» to column 19 «line 12»:  
providing one  
example of a schema for controlling a service], wherein the URI specifies a network address at  
which the respective service may be accessed [column 15 «lines 6-8»] and wherein the markup-  
language schema defines a message interface for accessing the respective service [column 18  
«lines 3-16»]; and

the client accessing the service according to the service advertisement, wherein said  
accessing the service comprises the client sending a first markup-language message to the  
service at the URI specified in the service advertisement, wherein the first message is specified  
in the markup-language schema [column 15 «lines 6-8» | column 18 «lines 3-16»:  
disclosing that  
the interface specifies messages that may be sent to control device B]

Claims 11 and 21 are rejected for at least the same reasons set forth for claim 1.

Art Unit: 2452

**Claims 2, 12, and 22**

As to claim 2, Humpleman discloses the service sending a second markup language message to the client in response to the service receiving the first markup language message, wherein the second markup language message is specified in the markup language schema [column 18 «lines 17-28»: device B responds to function calls based on the XML interface of device B's interface].

Claims 12 and 22 are rejected for at least the same reasons set forth for claim 2.

**Claims 3, 13, and 23**

As to claim 3, Humpleman discloses invoking one or more functions of the service in response to the first markup language message [column 18 «lines 3-7»: disclosing device A submits commands to device B in response to receiving the device interface].

Claims 13 and 23 are rejected for at least the same reasons set forth for claim 3.

**Claims 6, 16, and 26**

As to claim 6, Humpleman discloses the markup language comprises XML [column 20 «line 65» to column 21 «line 8»: disclosing that the definition is expressed in XML].

Claims 16 and 26 are rejected for at least the same reasons set forth for claim 6.

**Claims 7, 17, and 27**

As to claim 7, Humpleman discloses the URI comprises an Internet address [column 23 «lines 32-34»].

Claims 17 and 27 are rejected for at least the same reasons set forth for claim 7.

Art Unit: 2452

**Claims 8, 18, and 28**

The term “publish” is interpreted consistent with Applicant’s specification which describes one embodiment: “Published advertisements may represent "on-line" services ready for clients to use” [pg. 64, lines 18-19]. The limitation in claim 8 therefore is interpreted as referring to any advertisements in the space that is available for use by the client.

As to claim 8, Humpleman discloses the service publishing the service advertisement in the space [column 20 «lines 31-34»: the interface library stores the device advertisements and are accessible to clients].

Claims 18 and 28 are rejected for at least the same reasons set forth for claim 8.

**Claims 9, 19, and 29**

As to claim 9, Humpleman discloses the client accessing a lookup service to find the service advertisement in the space [column 16 «lines 48-50»: disclosing the interface library is searchable].

Claims 19 and 29 are rejected for at least the same reasons set forth for claim 9.

Art Unit: 2452

**V. CLAIM REJECTIONS – 35 U.S.C. § 103(A)**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**A. Claims 10, 20, and 30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Humpleman in view of Zintel et al., U.S. Patent No. 6,725,281 [“Zintel”].**

As to claim 10, Humpleman as modified by Zintel discloses the client generating a message gate for accessing the service, wherein the message gate is generated according to the URI and the markup language schema in the service advertisement, and wherein said sending a first markup language message to the service comprises sending the message via the message gate [Zintel, column 21 «lines 24-28 and 48-61»: generating service objects using the schema from the description document where the service objects are used to invoke actions on the service. Zintel's service objects read on the claimed message gate].

Humpleman does not expressly disclose generating a message gate for accessing the service. However, such a feature was well known in the art at the time of Applicant's invention as evidenced by Zintel.

Both Humpleman and Zintel are directed to inventions for enabling devices to control other devices by retrieving and utilizing device interfaces [Humpleman, abstract & Zintel, abstract]. Like Humpleman, Zintel employ device interfaces comprising commands that provide a template for controlling devices or services [Humpleman, column 7 «lines 15-30» & Zintel, column 5 «lines 39-48»].

Art Unit: 2452

Unlike Humpleman, Zintel further discloses that the device interface allows a device to generate service objects where the service objects are used to invoke commands on the service. Thus, Zintel's service objects read on the claimed message gate.

It would have been obvious to one of ordinary skill in the art to have modified Humpleman's device interface to include Zintel's service object. Such a modification is an example of applying a known technique (Zintel's creation of a service object to communicate commands to a device) to a known system (Humpleman's device control system) ready for improvement to yield predictable results (Humpleman's system modified to include a service object to provide another method of communicating commands to a device). See MPEP § 2143.

## **VI. CONCLUSION**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See attached PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DOHM CHANKONG whose telephone number is (571)272-3942. The examiner can normally be reached on Monday to Friday [10 am - 6 pm].

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thu Nguyen can be reached on (571)272-6967. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2452

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/DOHM CHANKONG/  
Primary Examiner, Art Unit 2452